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| APPLICATION NO.                     | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/427,149                          | 10/25/1999  | RICHARD E. WARD      | 73618/RHS-00        | 2803             |
| 27498                               | 7590        | 11/14/2005           | EXAMINER            |                  |
| PILLSBURY WINTHROP SHAW PITTMAN LLP |             |                      | VAN DOREN, BETH     |                  |
| P.O. BOX 10500                      |             |                      | ART UNIT            |                  |
| MCLEAN, VA 22102                    |             |                      | PAPER NUMBER        |                  |

3623

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |                                      |   |  |
|---|--------------------------------------|---|--|
| <b>Advisory Action</b><br><b>Before the Filing of an Appeal Brief</b> | <b>Application No.</b><br>09/427,149 | <b>Applicant(s)</b><br>WARD, RICHARD E. |  |
|   | <b>Examiner</b><br>Beth Van Doren    | <b>Art Unit</b><br>3623                 |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 9, 10, 14, 26-29, 40, 49, 50, 54, 70, 77, 79, 80, 82 and 94.

Claim(s) rejected: 1, 3-8, 11-13, 15-25, 30, 32-39, 41, 43-48, 51-53, 55-69, 71-76, 78, 81 and 84-93.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

  
**TARIQ R. HAFIZ**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 3600

***Advisory Action***

1. The following advisory action is in response to the communications received 10/27/2005. Applicant and Examiner had a telephone interview on 10/27/2005, in which Applicant explained how claim 9 was similar to claim 49 and thus allowable without all intervening claims between the allowed dependent claim and independent claim 1. Applicant further discussed how new claim 96 contained the same allowable subject matter as claim 79. Therefore, based on this discussion, Applicant resubmitted the after-final amendments to the claims, wherein claims 5, 9, 12, 14-18, 21-22, 26, 34-36, 40, 44, 49, 52, 54, 55, 57-58, 61-62, 64, 68, 72-73, 77, 80, 82, 84, 88, 91, and 93 have been amended, claims 95-99 have been added, and claims 1, 3, 8, 11, 32, 37-39, 41-43, 48, 51, 53, 71, 75-76, 78, 81, 86, and 90 have been canceled. However, after reviewing the claims, these amendments, new claims, and cancellations still will not be entered into the record because they raise new issues, such as new scope, that require further consideration.

2. Claim 9 presented in the after-final communications recites “wherein some of said plurality of structured sentences have a subject and an attribute contained therein”. This limitation currently presented is not the same as the intervening claim indicated allowable in the office action dated 6/28/2005. This claim of 6/28/2005 recited “wherein said plurality of structured sentences have a subject and a plurality of attributes contained therein”. The language “some of said plurality of structured sentences” changes the scope of the claims and also raises new 35 USC §112, second paragraph, issues not previously considered as the word “some” is indefinite. Claim 26 contains the same issues as claim 9. Therefore, for at least these reasons, further consideration is required.

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3. Examiner respectfully requests that applicant review the claims and the claims indicated allowable by the Examiner, and that Applicant ensures that the allowable dependent claims have been rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



bvd

November 8, 2005